

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING)	
PHARMACY, INC. PRODUCTS LIABILITY)	
LITIGATION)	
) MDL No. 2419	
) Dkt. No 1:13-md-2419 (RWZ)	
THIS DOCUMENT RELATES TO:)	
))	
Suits Naming the Tennessee Clinic)	
Defendants)	
))	

CERTIFICATE OF GOOD FAITH

Defendants Saint Thomas Outpatient Neurosurgical Center, LLC; Howell Allen Clinic, a Professional Corporation; John Culclasure, MD; Debra Schamberg, RN; Vaughan Allen, MD; Specialty Surgery Center, Crossville, PLLC; Kenneth R. Lister, MD; Kenneth Lister, MD, PC; and Donald E. Jones, MD (collectively “Tennessee Clinic Defendants”), by counsel, now respectfully file the following Certificate of Good Faith with regard to averments respecting the following parties and nonparties at fault identified in the Defendants’ Answers: New England Compounding Pharmacy, Inc. d/b/a New England Compounding Center (“NECC”), NECC’s owners, managers, directors, employees and agents, including but not limited to Barry Cadden, Lisa Cadden, Glenn Chin, and Joseph Connolly.

In accordance with Tenn. Code Ann. § 29-26-122, I hereby state the following:

1. I have consulted with one (1) or more experts who have provided a signed written statement confirming that upon information and belief they:
 - (A) are competent under Tenn. Code Ann. § 29-26-115 to express an opinion or opinions in this case;

(B) believe, based on the information reviewed concerning the care and treatment of the Plaintiff for the incidents(s) at issue, that there are facts material to the resolution of the case that cannot be reasonably ascertained from the information reasonably available to the defendant or defendant's counsel. Despite the absence of this information, there is a good faith basis for alleging fault against NECC, NECC's owners, managers, directors, employees and agents, including but not limited to Barry Cadden, Lisa Cadden, Glenn Chin, and Joseph Connolly, whether already a party to the action or not, consistent with the requirements of § 29-26-115.

/s/ Chris J. Tardio

Chris J. Tardio

Counsel for the Tennessee Clinic Defendants

2. I have been found in violation of Tenn. Code Ann. § 29-26-122 zero (0) prior times.

/s/ Chris J. Tardio

Chris J. Tardio

Counsel for the Tennessee Clinic Defendants

October 13, 2014

Date

Respectfully submitted,

GIDEON, COOPER & ESSARY, PLC

/s/ Chris J. Tardio

C.J. Gideon, Jr.*

Chris J. Tardio*

Alan S. Bean**

Matthew H. Cline*

315 Deaderick Street, Suite

Nashville, TN 37238

Ph: (615) 254-0400

Fax: (515) 254-0459

chris@gideoncooper.com

**Attorneys for the Tennessee Clinic
Defendants**

* Admitted pursuant to MDL Order No. 1.

** Admitted *pro hac vice*.

CERTIFICATE OF SERVICE

I certify that this document filed through the CM/ECF system will be served electronically to the registered participants identified on the Notice of Electronic Filing and copies will be e-mailed or mailed via regular U.S. mail to those participants identified as unregistered this 14th day of October, 2014.

/s/ Chris J. Tardio

Chris J. Tardio